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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/002,837	Applicant(s) KELLNER ET AL.	
	Examiner Jason P. Salce	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9,11,12,14-18,20-27,29,30,33-36 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11,12,14-18,20-27,29,30,33-36 and 38-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4, 6-9, 11-12, 14-18, 20-27, 29-30, 33-36 and 38-45 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's arguments filed 3/10/2006 have been fully considered but they are not persuasive.

In view of the double patenting arguments, the '802 patent is not being used as prior art, but instead being used to apply a double patenting rejection. In view of the amendments to the claims, the examiner notes that these newly added limitations deem the claims obvious over the rejecting base patent (the Keller '802 patent) in view of Kou (U.S. Patent No. 6,661,466).

In view of the 101 rejection previously applied, the Applicant has amended the claims directed toward a signal to recite, "*A composite video signal configured to be reproduced by a television receiver at a specific geographic location*". However, the claim still recites that "*said composite signal including*", therefore the claim is still referring to the signal itself, and a signal is non-statutory under 35 USC 101.

In view of the arguments made in relation to the art rejection previously applied, note that Kou discloses the geographic location information limitations that have been applied to the independent claims.

Double Patenting

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The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-6, 8-11, 15-17, 20-23, 26, 29, 31-38 and 40-45 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 23-28 of U.S. Patent No. 6,927,802. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1-6, 8-11, 15-17, 20-23, 26, 29, 31-38 and 46 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,927,802 in view of Kou (U.S. Patent No. 6,661,466).

Referring to claim 1 of the '837 application, a video signal processor is met by the video signal processor in claims 1-4 of the '802 patent.

Claim 1 of the '802 patent discloses a tuner adapted to receive a composite video signal, said composite video signal including a video channel

that carries a video signal for an audio-visual program, a main audio channel that carries a standard audio track for said program, and a SAP channel carrying an alternative audio track for said program, said alternative audio track being a modified version of said standard audio track of the '837 application, is met by the corresponding tuner limitations of the '802 patent in claim 1.

Claim 1 of the '802 patent further discloses a selector adapted to select one of said standard and alternative audio tracks as the active audio track of the '837 application, is met by the corresponding selector limitations of the '802 patent in claim 1.

Claim 1 of the '802 patent further discloses output circuitry coupled to said tuner and generating output audio and video signals, said audio corresponding to said active audio track of the '837 application is met by the screen and speaker limitations of the '802 patent in claim 1.

Claims 1-4 fail to teach that the video signal processor is disposed at a specific geographic location and wherein one of said standard audio track and said modified version contains geographic region-specific information.

Kou discloses that video signal processors can be located in different geographic locations (see Column 2, Lines 11-21) and that when multiple audio tracks are transmitted to the video signal processor that these audio tracks can be analyzed for geographic region-specific information to determine what language the viewer wishes to hear (see Column 4, Lines 6-59 and Column 5,

Lines 23-27). Further note Column 3, Lines 1-13 and Figure 4 for receiving the information in the video signal.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video signal processor, as taught by the '802 patent, using the natural language selection process which responds to the geographical region-specific information contained in the incoming signal, as taught by Kou, for the purpose of assisting the reduction of resources expended on setting geographical natural language preferences during the manufacturing processing (see Column 2, Lines 49-63 of Kou).

Referring to claims 2-4 of the '873 application, see the limitations in claims 2-4 of the '802 patent.

Referring to claim 6 of the '873 application, see the limitations in claim 2 of the '802 patent.

Referring to claims 8-9, 11-12 of the '873 application, see the double patenting rejection of claims 1-4 and 6.

Referring to claim 9 of the '873 application, see the double patenting rejection of claims 2-4.

Referring to claim 46 of the '873 application, see the double patenting rejection of claims 1-4.

Referring to claims 15-18 and 20-21 of the '873 application, see claims 9-12 of the '802 patent.

Further note that Kou discloses that video signal processors can be located in different geographic locations (see Column 2, Lines 11-21) and that when multiple audio tracks are transmitted to the video signal processor that these audio tracks can be analyzed for geographic region-specific information to determine what language the viewer wishes to hear (see Column 4, Lines 6-59 and Column 5, Lines 23-27). Further note Column 3, Lines 1-13 and Figure 4 for receiving the information in the video signal.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video signal processor, as taught by the '802 patent, using the natural language selection process which responds to the geographical region-specific information contained in the incoming signal, as taught by Kou, for the purpose of assisting the reduction of resources expended on setting geographical natural language preferences during the manufacturing processing (see Column 2, Lines 49-63 of Kou).

Referring to claims 22-24, 26-27 and 29-30 of the '873 application, see claims 9-13 of the '802 patent.

Further note that Kou discloses that video signal processors can be located in different geographic locations (see Column 2, Lines 11-21) and that when multiple audio tracks are transmitted to the video signal processor that these audio tracks can be analyzed for geographic region-specific information to determine what language the viewer wishes to hear (see Column 4, Lines 6-59

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and Column 5, Lines 23-27). Further note Column 3, Lines 1-13 and Figure 4 for receiving the information in the video signal.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video signal processor, as taught by the '802 patent, using the natural language selection process which responds to the geographical region-specific information contained in the incoming signal, as taught by Kou, for the purpose of assisting the reduction of resources expended on setting geographical natural language preferences during the manufacturing processing (see Column 2, Lines 49-63 of Kou).

Referring to claims 31-32 of the '873 application, see claims 14 and 16 (respectively) of the '802 patent.

Referring to claims 33-36 and 38 of the '873 application, see claims 23-25 and 27-28 of the '802 patent.

Claims 40-43 and 45 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 26 and 29 of U.S. Patent No. 6,927,802.

Referring to claims 40-43 and 45 of the '873 application, see claims 26 and 29 of the '802 patent.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 40-45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims describe a natural phenomenon such as electricity or magnetism described in the MPEP 2106 IV B1(c).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 31-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Block et al. (U.S. Patent No. 6,675,384).

Referring to claim 31, Block discloses a first signal processor disposed at a first geographic location (see viewer station equipment 20 in Figure 1).

Block also discloses a second signal processor disposed at a second geographic location (see Column 3, Lines 41-44 and 46-51 for transmitting the signals to multiple viewers that contain multiple viewer stations).

Block also discloses a broadcasting apparatus adapted to transmit composite video signals (see central station equipment 10 in Figure 1 and Column 3, Lines 55-62), said composite video signals including a video broadcast channel that carries a video signal for an audio-visual program (see Column 3, Lines 41-46), a main audio channel that carries a standard audio track for said program (see Column 3, Lines 46-47 for the system transmitting multiple audio signals and Column 4, Lines 20-28 for providing a main audio signal and any number of substitute audio signals), said standard audio track being generic to both TV receivers (see Column 16, Line 59 through Column 17, Line 3 for the main audio track containing the normal audio played for users and since the substitute audio track is being used to replace offensive material in the main audio track, and since the substitute audio is only used according to the category labels set by viewers at a viewer station, and different users can set different category labels, then clearly the main audio track is generic to both users and only certain offensive material will be block by a first user different from a second user according to the desired set of category labels set by each user individually), an additional audio channel that carries one of a first and a second alternative audio track for said program (see Column 3, Lines 46-47 for the system transmitting multiple audio signals and Column 4, Lines 20-28 for providing a main audio signal and any number of substitute audio signals that can be used to replace certain portions of the main audio track when an undesired portion of the audio is determined), each of said audio tracks being composed of sequential sound segments (the examiner notes that audio tracks contain multiple sounds that occur one after another, therefore the audio tracks are inherently composed of sequential sound

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segments), wherein said alternative audio track is derived by replacing some of the segments of said standard audio track with other segments not found in said standard audio track (see Column 3, Lines 46-47 for the system transmitting multiple audio signals and Column 4, Lines 20-28 for providing a main audio signal and any number of substitute audio signals that can be used to replace certain portions of the main audio track when an undesired portion of the audio is determined by the use of the category labels).

Block also discloses that a composite video signal with the first alternative audio track is transmitted to said first video signal processor and a composite video signal with the second alternative audio transmitted to said second video signal processor (see Column 3, Lines 46-47 for the system transmitting multiple audio signals and Column 4, Lines 20-28 for providing a main audio signal and any number of substitute audio signals that can be used to replace certain portions of the main audio track when an undesired portion of the audio is determined and further note the teachings of SAP at Column 19, Lines 37-39 for the composite video signal containing a substitute and alternative language audio signal), and said video signal processors are adapted to receive said composite video signals and to generate corresponding output audio and video signals, with said output audio signals corresponding to one of said audio tracks (see Column 19, Line 39 through Column 20, Line 66 for how the composite video signal is processed and output by a signal processor and can output audio signals according to the proper TIL or LIL provided, therefore multiple signal processors can output different audio tracks according to the category labels).

Referring to claim 32, see the rejection of claim 31 for the passages of Block which disclose the use of a SAP channel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-9, 11-12, 14-18, 20-27, 29-30, 33-36 and 38-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al. (U.S. Patent No. 6,675,384) in view of Kou (U.S. Patent No. 6,661,466).

Referring to claim 1, Block discloses a video signal processor (see viewer station equipment 20 in Figures 1, 5 and 6).

Block also discloses a tuner (see tuner 50 in Figure 5) adapted to receive a composite video signal (see program signal in Figure 5), said composite video signal including a video channel that carries a video signal for an audio visual program (see Figure 5 for the output of the demodulator containing a video signal), a main audio channel that carries a standard audio track for said program (see Figure 5 for the output of the demodulator containing an audio signal), and a SAP channel carrying an alternative audio track for said standard audio track (see Figure 5 for the output of the demodulator containing a substitute audio signal and also note Column 19, Lines 26-32 for the substitute audio signal coming from a SAP channel).

Block also discloses a selector (remote control unit at Column 12, Lines 3-9) adapted to select one of said standard and said alternative audio tracks as the active audio track (see Column 11, Line 59 through Column 12, Line 9).

Block also discloses output circuitry coupled to said tuner (see modulator 130 in Figures 5 and 6) and generating output audio and video signals (see Column 17, Lines 9-11), said output audio signals corresponding to said active audio track (see Column 20, Lines 2-5).

Although Block clearly teaches that a video signal processor can be located in a different geographic location (see Column 3, Lines 48-51 for Block transmitting video and audio w/ different audio tracks to multiple viewers), Block fails to teach wherein one of said standard audio track and said modified version contains geographic region-specific information.

Kou discloses that video signal processors can be located in different geographic locations (see Column 2, Lines 11-21) and that when multiple audio tracks are transmitted to the video signal processor that these audio tracks can be analyzed for geographic region-specific information to determine what language the viewer wishes to hear (see Column 4, Lines 6-59 and Column 5, Lines 23-27). Further note Column 3, Lines 1-13 and Figure 4 for receiving the information in the video signal.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video signal processor, as taught by the '802 patent, using the natural language selection process which responds to the geographical region-specific information contained in the incoming signal, as taught by

Kou, for the purpose of assisting the reduction of resources expended on setting geographical natural language preferences during the manufacturing processing (see Column 2, Lines 49-63 of Kou).

Referring to claim 2, Block discloses that the standard audio track is composed of first segments and said alternate audio track is composed of second segments, and a substantial number of said first and second segments are identical (see Column 10, Lines 13-24 for dividing the program according to the TIL labels, which dictate that certain portions (rated R) can be provided substitution audio or video signals).

Referring to claim 3, see the rejection of claim 2 and also note Column 19, Lines 18-52 for the function of substituting the portions of the audio and also note Column 20, Lines 6-27 for substituting video portions.

Referring to claim 4, see the rejection of claims 2-3.

Referring to claim 5, see the rejection of claims 2-3 and further note Column 4, Lines 25-28.

Referring to claim 6, Block discloses that said main and alternative audio tracks are customized for viewer with different demographic characteristics (see Column 13, Lines 5-22 and 58-67 for generating local information labels (LIL) according to a user's demographic characteristics (preferences)).

Referring to claim 7, Block discloses a latch having a set and reset mode responsive to a code, wherein said selector is coupled to said latch and is adapted to designate an active audio track when said latch is set, which cannot be changed by a viewer without resetting the latch (see Column 14, Lines 6-65).

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Referring to claim 8, see the rejection of claims 1-2.

Referring to claim 9, see the rejection of claim 3.

Referring to claims 10-11, see the rejection of claims 5-6, respectively.

Referring to claim 12, Block discloses that said B segments are targeted to a general viewer population and said C segments are targeted to a viewer population at a specific geographic location (see again Column 13, Lines 5-22 and 58-67 for generating local information labels (LIL) according to a user's demographic characteristics (preferences) and that Blocks invention can be provided to multiple viewers (see Column 3, Lines 48-51), therefore parents and children (different viewing populations) can view certain segments at certain geographic locations).

Referring to claim 13, see the rejection of claim 1 for the use of a remote control.

Referring to claim 14, see the rejection of claim 7.

Referring to claim 15, see the rejection of claim 1 and 12 for a plurality of video signal processors at various geographic locations.

Referring to claims 16-20, see the rejection of claims 2-6, respectively.

Referring to claim 21, see the rejection of claim 6 and note that the program signals are "broadcast" to multiple viewers (see Column 3, Lines 48-51).

Referring to claims 22-23, see the rejection of claims 1-4.

Referring to claim 24, see the rejection of claim 13.

Referring to claim 25, see the rejection of claims 7 and 14.

Referring to claim 26, see the rejection of claim 1.

Referring to claim 27, see the rejection of claim 3.

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Referring to claims 28-29, see the rejection of claims 5-6, respectively.

Referring to claim 30, see the rejection of claim 21.

Referring to claim 33, see the rejection of claim 1 and note that Block further teaches a screen and speaker to display and produce, video and audio signals, respectively (see Figure 5 for an output to a TV and Column 23, Lines 58-64 and Column 20, Lines 4-27).

Referring to claims 34-39, see the rejection of claims 2-7, respectively.

Referring to claims 40-45, see the rejection of claims 1-6, respectively.

Referring to claim 46, see the rejection of claim 1 for Kou teaching these limitations.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

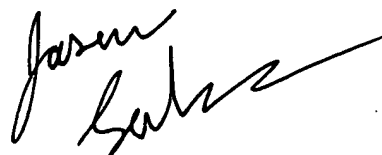
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623



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